

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

J'VON BYNUM,

Plaintiff,

Case No. 19-11858

v.

HON. DENISE PAGE HOOD

J. KERR, et al.,

Defendants.

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**ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION (ECF NO. 59),
MOOTING DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT (ECF NO. 56)
AND
DISMISSING ACTION**

This matter is before the Court on Magistrate Judge Curtis Ivy, Jr.'s Report and Recommendation recommending that this action should be dismissed pursuant to Fed. R. Civ. P. 41(b) and deeming as moot Defendants' motion for summary judgment (ECF No. 56). To date, no objections have been filed to the Report and Recommendation and the time to file such has passed.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a de novo determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(b)(1). The

Court “may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* In order to preserve the right to appeal the Magistrate Judge’s recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P. 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

After review of the Report and Recommendation, the Court finds that the Magistrate Judge’s conclusions are correct. The Court further finds that Plaintiff failed to respond to the Order to Show Cause issued by the Magistrate Judge. The Court agrees that this action should be dismissed for failure to prosecute.

Accordingly,

IT IS ORDERED that Magistrate Judge Curtis Ivy, Jr.’s November 6, 2023 Report and Recommendation (**ECF No. 59**) is **ACCEPTED AND ADOPTED** as this Court’s findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment (**ECF No. 56**) is deemed **MOOT**.

IT IS FURTHER ORDERED that this action is **DISMISSED** under Fed. R. Civ. P. 41(b) for failure to prosecute and designated as **CLOSED** on the Court's docket.

s/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: January 31, 2024